Item # 10
Response to Comments
Newhall Ranch Sanitation District
Newhall Ranch Water Reclamation Plant
Tentative NPDES Permit

(This Table summarizes the comments received from interested parties with regard to the above-mentioned facility's Tentative Permit. Each comment presented in this Table has corresponding Regional Board's response and/or action taken. The Discharger submitted comments prior to the comment submittal deadline. However, most of these comments were editorial in nature and Regional Water Board staff agreed to modify the draft permits based on their comments.)

Agency	#	Comment	Agree	Disagree	Reply	Action Taken
Newhall	I.1	Page 13, Table 7. Copper and lead effluent limits should be revised based on local hardness data for Newhall baseline receiving water monitoring station NR1, which is located at the proposed discharge site.	X		The hardness-dependent limits were revised using the site-specific hardness of the receiving water.	Limits slightly modified
Newhall	I.2	50^{th} and 90^{th} percentile hardness values for NR1 are 384 and >400 mg/L as CaCO3, respectively, for the May 2004 through October 2006 period,		X	The average hardness value of 350 mg/L was used. However, prior to calculating the average hardness, individual hardness values were capped at 400 mg/L, in accordance with the CTR preamble.	Limits slightly modified
Newhall	I.3	The Copper limits should be recalculated as follows (assuming CV = 0.6 (default) & n = 4): Average Monthly Effluent Limit (AMEL) = 48 ug/L, Daily Maximum Effluent Limit (DMEL) = 24 ug/L		X	Since Regional Board staff used a hardness value of 350 mg/L, the copper limits were more stringent than what the Discharger requested.	Limits slightly modified
Newhall	I.4	The Lead limits should be recalculated as follows (assuming CV = 0.6 (default) & n = 4): MDEL = 29 ug/L, AMEL = 14 ug/L		X	Since Regional Board staff used a hardness value of 350 mg/L, the lead limits were more stringent than what the Discharger requested.	Limits slightly modified
Newhall	I.5	Page 14, Table 7. Since the Newhall WRP effluent limits are generally based on those of the Valencia WRP's NPDES permit, consistent with guidance based on the EPA's Technical Support Document Chapter 3.2, the selenium limits should be revised to reflect those of the Valencia permit, or AMEL = 50 ug/L and no MDEL.		X	There was reasonable potential for the Newhall Water Reclamation Plant to contribute to an exceedance of the 5 µg/L Selenium aquatic life CTR criteria. Since the receiving water concentration was 6.2 µg/L, any concentration of Selenium discharged from the Newhall WRP would contribute to an exceedance.	None necessary

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Newhall	I.6	Furthermore, the current MDEL value of 8.2 ug/L is (a) inconsistent with the CTR, which reports no chronic maximum concentration for selenium, and (b) inconsistent with the SIP as it is based on a MDEL/AMEL multiplier of 2.0, which is multiplier that is applicable to human health-based criteria only		X	The AMEL and the MDEL were both calculated according to SIP procedures. The multiplier that was used was the one corresponding to aquatic life criteria, not human health criteria.	None necessary
Newhall	I.7	Reasonable potential results should be based only on baseline receiving water monitoring data for NR1, or the receiving water monitoring site located at the discharge point.		X	Regional Board staff used data from both NR1 and NR3 to conduct reasonable potential. All relevant and adequately-collected data that was submitted to the Regional Board office was used to draft the tentative NPDES Order.	None necessary
Newhall	I.8	This correction should therefore result in the removal of effluent limits for 4,4'-DDE. Board staff previously used monitoring data from downstream receiving water monitoring site NR3 to base the reasonable potential finding for 4,4'-DDE.		X	There was reasonable potential for the Newhall Water Reclamation Plant to contribute to an exceedance of the 0.00059 µg/L 4,4-DDE human health CTR criteria. Since the highest receiving water concentration was 0.011 µg/L, any concentration of 4,4-DDE discharged from the Newhall WRP would contribute to an exceedance.	None necessary
Newhall	I.9	Receiving water monitoring requirements should be clarified to state that downstream sampling is not required when effluent and River flows are not observed to commingle.		X	The receiving water sample shall be collected regardless of whether or not the effluent commingled with the Santa Clara River. However, the monitoring report should specify whether or not there was commingling at the time of sample collection.	None necessary
Newhall	I.10	Page 7, Table 5. Please add a Footnote explaining the asterisk (*) designation for the MUN use.	X		The Footnote was added which clarifies that the potential MUN (p*MUN) beneficial use was conditionally designated. However, the Footnote only applies to the potential MUN beneficial use of the surface waters. The groundwater MUN beneficial use is a valid designated use.	Added Footnote
Newhall	I.11	Pages 34, Section VII. Please change wording in all Section VII items from "will" to "may" when discussing potential violations (e.g., "the discharger will be considered out of compliance"), as was proposed for Los Angeles County Sanitation District's JWPCP, Long Beach, and Los Coyotes WRP permits.	X		The language was modified to resemble that which is included in the Long Beach and Los Coyotes WRP tentative Orders. However, there was only one instance where the word "will" needed to be replaced with the word "may".	Word modified in compliance determina-tion

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Newhall	I.12	Page E-8, Table 3. Footnote 4 refers to turbidity exceeding 5 turbidity units. However, Page 12 section III.H of the Permit states that the turbidity effluent limit is 0.5 NTUs or no more than 0.2 NTU 5 % of the time. Addition of this third 5 NTU limit may require the plant to unnecessarily implement a second continuous turbidity meter. Please render these sections consistent.	X		The language in the MRP Footnote was modified. The word five was replaced with the number 0.5 NTU.	MRP Footnote modified
Newhall	I.13	Page E-19, Table 7a. Please include the following Footnote for E. coli testing: "E. coli testing shall be conducted only if fecal coliform testing is positive. If fecal coliform analysis results in no detection, a result of less than (<) the reporting limit for fecal coliform will also reported for E. coli."	X		The Footnote was added to be consistent with other POTW MRPs.	Footnote was added See Page E-20
Newhall	I.14	Page E-19, Section VIII.A. Please add the following monitoring provisions, to ensure safety of sampling staff and usefulness of receiving water monitoring data: "Receiving water samples shall not be taken during or within 48 hours following the flow of rainwater runoff into the Santa Clara system. Sampling may be rescheduled at receiving water stations if weather and flow conditions would endanger personnel collecting receiving water samples. Monthly reports shall note such occasions."	X		The Footnote was added to be consistent with other POTW MRPs.	Footnote was added
Newhall	I.15	Page E-3, Section I.A. The last sentence in this section states: “Results of quarterly, semiannual and annual analyses shall be reported in the monthly monitoring report following the analysis.” This language should be revised to state: “in the second monthly monitoring report following the analysis,” consistent with due dates shown in the table on Page E-25.	X		The language was modified as requested.	Language was modified

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Newhall	I.16	Section xii states that the receiving water limitations for coliform bacteria are based on Resolution [20]01-018, Amendment to the Water Quality Control Plan for the Los Angeles Region to Update Bacteria Objectives for Water Bodies Designated for Water Contact Recreation. An implementation provision in this amendment specifies that the geometric mean should be calculated "based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period)." This provision should be included in the receiving water geometric mean limits listed above.		X	This is standard language. Section VII. Compliance Determination, explains how compliance will be determined for average monthly, average weekly, and daily maximum effluent limitations.	None necessary
Newhall	I.17	Page F-36, Table 5 & Page F-42, Table 6. For consistency, please include all parameters from Page 13 Table 7 in these effluent limit tables.		X	These two Tables represent different limits. Table 6 includes all limitations, where Table 6 only includes water quality-based limits.	None necessary
Newhall	I.18	Also for Table 6, please add information on how the effluent limits for each parameter were calculated; i.e., add a column listing the lowest applicable water quality standard used and, in the case of CTR-based metal limits, the hardness value assumed for the aquatic life water quality criteria calculations.		X	Instead of modifying Table 6, the Reasonable Potential Table R1 was inserted as part of the Fact Sheet.	See Fact Sheet
County Sanitation District of LA County	II.1	Effluent limits for ammonia contained in Table 7 of the Tentative Permit and described in the Fact Sheet Section IV.C.2.b.xi are improperly derived and overly conservative	X		Since the most limiting long term average (LTA) was based upon the one-hour average ammonia criteria, the ammonia nitrogen monthly average final effluent limit has been revised, consistent with the following: • The implementation language contained in Resolution No. 2002-011, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Update the Ammonia Objectives for Inland Surface Waters (including enclosed bays, estuaries, and wetlands) with Beneficial Use designations for protection of "Aquatic Life*;"	See Revised Tentative Table 7

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					• The revised ammonia criteria contained in Resolution No. 2005-014, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Revise the Early Life Statge Implementation Provision of the Freshwater Ammonia Objectives for Inland Surface Waters (including enclosed bays, estuaries and wetlands) for Protection of Aquatic Life*; and, • The preamble to USEPA's 1999 Update of Ambient Water Quality Criteria for Ammonia (Federal Register Vol.64, No. 245, Page 71976).	
County Sanitation District of LA County	II.2	Use projected effluent pH and temperature values to establish ammonia effluent limitations, in conjunction with correct application of Basin Plan ammonia effluent limitation translation procedures.		X	Effluent pH and temperature data is not available, so Regional Board staff used receiving water pH and temperature to calculate the ammonia nitrogen limits.	
County Sanitation District of LA County	II.3	Provide for a permit reopener if effluent pH and temperature vary significantly from predicted values. For ammonia compliance determination in the receiving water, use receiving water conditions at the time of sampling.	X		A Reopener has been added. See section VI.C.1.l. of the Order. After the Regional Board receives sufficient pH and temperature effluent data, the permit may be reopened to modify the ammonia nitrogen limits at a later date.	Reopener added in VI.C.1
County Sanitation District of LA County	II.4	The Tentative Permit (including the Fact Sheet) does not adequately describe how effluent limits for antimony, arsenic, copper, lead, mercury, nickel, selenium, zinc, cyanide, acrylonitrile, tetrachloroethylene, bis(2-ethylhexyl)phthalate, 1,4--dichlorobenzene, lindane, 4,4-DDE, and iron were calculated. The Districts question the validity of these effluent limitations, given existing State Implementation Plan (SIP) procedures for determining water quality-based effluent limitations.	X		The USEPA Technical Support document as well as the SIP were used to derive the final effluent limits. The SIP does not address the issue of a new POTW nor how to set effluent limits in the absence of effluent data. However, the TSD does. Justification for the effluent limits is contained in the administrative record. However for clarification purposes, Table R1 has been added to the Fact Sheet to demonstrate how effluent limits were derived.	See Table R1 in Fact Sheet
County Sanitation District of LA County	II.5	Remove all limits for these constituents from Tentative Permit.		X	Limits are included in the NPDES Order for those pollutants that had reasonable potential to cause or contribute to an exceedance. See RP analysis in Table R1.	None necessary

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County Sanitation District of LA County	II.6	When referring to chronic toxicity in the Tentative Permit and Monitoring and Reporting Program (MRP), the term "trigger" should be used instead of "limit" or "limitation."	X		Language has been changed to clarify that the 1 TUc is a trigger, not a numeric limitation, throughout the Order in the appropriate sections.	Replaced terminology
County Sanitation District of LA County	II.7	It is requested that revisions be made to the "Spill Reporting Requirements" provisions in Section VI.C.5.c be consistent with revisions made in the July 9, 2007 Revised Tentative Permits for the Long Beach and Los Coyotes WRPs.	X		The language has been made consistent.	See MRP
County Sanitation District of LA County	II.8	The MRP for the Tentative Permit contains excessive and unnecessary sampling and analysis frequency provisions for various constituents that are inconsistent with other Permits issued by the Regional Board in the watershed and region. The proposed program is overly burdensome and the costs have not been justified		X	Some reductions in the receiving water frequency of monitoring have been made, because Newhall has been conducting baseline receiving water monitoring since May 2004. However, the influent, effluent and groundwater monitoring frequencies have not been modified. Since the Newhall Ranch WRP will be a new facility, more monitoring will need to be done initially, in order for staff to perform another reasonable potential analysis after the plant is up and running and effluent data is available.	See MRP Receiving Water Section
County Sanitation District of LA County	II.9	Revise the due dates for monitoring reports to be similar to those in the Districts' NPDES permits. •Revise Sections V.G.1 and X.B.3. of the MRP to reflect that the monitoring reports are due on the 15th day of the third month following analyses rather than the second month •Revise Section X.D.1 of the MRP so that the annual report due date is April 15th rather than April 1st.	X		The due dates have been changed to match those of the other POTWs in the upper Santa Clara River Watershed.	See MRP sections
County Sanitation District of LA County	II.10	Revise sampling schedules for quarterly, semi-annual and annual analyses to be similar to that of the Valencia and Saugus WRPs. • Revise the MRP to allow quarterly sampling to be conducted in January, April, July, and October, semiannual sampling in January and July, and annual sampling in July (except for the annual bioassessment monitoring which is to be conducted in the spring/summer period).	X		The sampling schedule has been modified.	See MRP sections

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County Sanitation District of LA County	II.11	The unit process flow diagrams shown in Attachment C for the Newhall WRP need to be updated. Revise the unit process flow diagrams in Attachment C of the Order to include partial flow reverse osmosis after MBR and low-dose chlorine disinfection after UV disinfection	X		The Flow Schematic has been updated with what was provided by Newhall on July 2, 2007.	See Revised Tentative Order Page C-1
County Sanitation District of LA County	II.12	Revise the Findings in Section II.B and the Fact Sheet in Attachment F to clarify that biosolids resulting from wastewater treatment at the Newhall Ranch WRP will be hauled to the Valencia WRP for treatment and disposal and regulated pursuant to the provisions of the Valencia WRP NPDES permit (NPDES No. CA0054216, CI No. 4993).	X		The Finding has been modified.	See Revised Tentative Order Section II.B
County Sanitation District of LA County	II.13	Include a statement in Section VI.c.5.a in the Order that the biosolids requirements for the Newhall Ranch WRP are not necessary at this time since biosolids will be handled at the Valencia WRP, and regulated through Valencia WRP's existing permit The Newhall Ranch WRP permit will be re-opened at an appropriate time, when solids handling, treatment and disposal are conducted at the Newhall Ranch WRP.		X	The Newhall Ranch WRP will be required to report the quantity of biosolids hauled away.	None necessary
County Sanitation District of LA County	II.14	Clarification is needed regarding an exemption from mandatory minimum fines, as referred to in Section VI.C.7.a. of the Tentative Permit. It is an understanding of the Districts that the Discharger intends to submit the Operations Plan described in California Water Code Section 13385.(j)(1)(d)(i) to qualify for the 90-day exemption from mandatory minimum fines in the event a violation occurs "from the operation of the new or reconstructed wastewater treatment unit and that the violations could not have reasonably been avoided" per Section 13385.(j)(1)(d)(i)(III). Add clarification to the Tentative Permit to provide for the 90-day exemption from mandatory minimum fines for violations per the California Water Code.		X	Approval cannot be given in advance. In order to qualify for this exemption, the Discharger would have to submit their Operations Plan no later than 30 days in advance of the Start-up date and seek EO approval. The Operations Plan must reflect the actual start-up conditions of the plant, which will not be known until the plant has been completed.	None necessary

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County Sanitation District of LA County	II.15	The Tentative Permit should provide more options for reporting permit violations. • Section VI.A.v. of the Order should be revised as follows: " . . . the Discharger shall notify David Hung the Watershed Regulatory Chief at the Regional Board by telephone (213) 576-6616 or electronic means within 24 hours of having knowledge of . . ."	X		The language has been modified.	See Revised Tentative
County Sanitation District of LA County	II.16	Compliance determination language should be removed from the Tentative Permit.		X	This is standard language for determining compliance.	None necessary.
County Sanitation District of LA County	II.17	Reporting should not be required of estimated analytical results obtained during influent sampling.		X	This is standard language. The influent results should be quantified, because the results are needed in order to determine treatment removal. In addition, the data is useful with respect to the Pretreatment Program to target possible local limit updates.	None necessary
County Sanitation District of LA County	II.18	Additional sampling should be allowed for monthly average compliance determinations.		X	This is standard language. Samples should be collected within a calendar month in order to demonstrate compliance with the monthly average effluent limit.	None necessary
County Sanitation District of LA County	II.19	The Monthly Average Chloride Limit should be further clarified.	X		Additional language was added, however it is somewhat different from what was requested.	See Tentative Order Footnote 2
County Sanitation District of LA County	II.20	The Fact Sheet information on the Chloride TMDL is incomplete and misleading and should be revised.		X	The comment is noted. However, the language was taken from a Technical Memorandum that was prepared by TMDL staff and can not be changed.	None necessary
County Sanitation District of LA County	II.21	Requirements for receiving water algal biomass monitoring should be removed		X	Regional Board staff Monitoring Coordinator agrees that algal biomass in the water column testing can be removed. However, benthic samples need to be collected. Footnote 17 has been added to the MRP section specifying that algal biomass or chlorophyll A samples shall be collected by obtaining scrapings from the substrate, as a measure of benthic algae, rather than algae in the water column.	See MRP Footnote 17
County Sanitation District of LA County	II.22	County Sanitation District of Los Angeles County also submitted Attachment B, which consisted of minor comments and suggestions for corrections of typographical errors.		X	All of the typographical errors were corrected and most of the minor changes were made, except for eight, where standard language was involved.	Typo-graphical errors corrected

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Heal the Bay	III.1	Effluent limits should be included for all priority pollutants, since a complete Reasonable Potential Analysis can not be conducted for new wastewater treatment plants		X	Although there was no effluent data available, a Reasonable Potential Analysis was conducted according to the Technical Support Document (TSD) and the SIP procedures, using the receiving water data that was collected. It is not reasonable to include limits for pollutants which were Non-detects in the receiving water, Non-detects in similar POTW effluents, and where it was determined that there was no reasonable potential. The TSD addresses how effluent limitations are set in the absence of effluent data, and staff proceeded setting limitations in this manner.	None necessary
Heal the Bay	III.2	Additional baseline monitoring is necessary to assess any impacts from the future discharge.		X	Newhall Ranch has conducted receiving water sampling at two stations for eleven quarters, from May 2004 through January 2007. Ongoing monitoring efforts will take place to demonstrate compliance with the NPDES Order.	None necessary
Heal the Bay	III.3	The Tentative Permit should include a daily maximum toxicity trigger. Other recently adopted NPDES permits include a monthly median toxicity trigger and a daily maximum trigger of 1.0 TUc. Toxicity testing is the safety net for NPDES permits because permits do not require monitoring or have limits for all constituents that can cause receiving water toxicity. Thus, it is import to have a daily maximum trigger as well as a monthly median trigger.		X	Although the recently adopted NPDES permits include a monthly median toxicity trigger and a daily maximum trigger of 1.0 TUc, the daily maximum trigger of 1.0 TUc has never been used as a required trigger for the implementation of accelerated chronic toxicity testing. Therefore, the Tentative Permit that only prescribes a monthly median toxicity trigger of 1.0 TUc is consistent with recently adopted NPDES permits. In the recently adopted NPDES permits, the daily maximum trigger of 1.0 TUc, when exceeded, serves as a warning for the Discharger that they may not be able to meet the monthly median of 1.0 TUc. When the daily maximum is triggered, the Discharger may collect additional samples to provide the Discharger the opportunity to meet the monthly median.	None necessary
Heal the Bay	III.4	The Regional Board should include an actual toxicity limit		X	Regional Board staff agrees that toxicity limits are the safety net for NPDES permits because permits do not require monitoring or have limits for all constituents that can cause receiving water toxicity. The Regional Board has encouraged the State Board to develop an appropriate policy regarding the numeric chronic toxicity, as soon as possible, during hearings and during stakeholder meetings. However, the circumstances warranting a numeric chronic toxicity effluent limitation when there is reasonable potential were under review by the State Water Resources Control Board (State Board) in SWRCB/OCC Files A-1496 & A-1496(a) [Los Coyotes/Long Beach	None necessary

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					Petitions]. On September 16, 2003, at a public hearing, the State Board adopted Order No. 2003-0012 deferring the issue of numeric chronic toxicity effluent limitations until Phase II of the SIP is adopted. In the mean time, the State Board replaced the numeric chronic toxicity limit with a narrative effluent limitation and a 1 TUc trigger, in the Long Beach and Los Coyotes WRP NPDES permits. This permit contains a similar narrative chronic toxicity effluent limitation, with a numeric trigger for accelerated monitoring. Phase II of the SIP has been adopted, however, the toxicity control provisions were not revised. On January 17, 2006, the State Board Division of Water Quality held a California Environmental Quality Act (CEQA) scoping meeting to seek input on the scope and content of the environmental information that should be considered in the planned revisions of the Toxicity Control Provisions of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP). However, the Toxicity Control Provisions of the SIP continue unchanged. This Order contains a Reopener to allow the Regional Board to modify the permit, if necessary, consistent with any new policy, law, or regulation. Until such time, this Order will have toxicity limitations that are consistent with the State Board's precedential decision.	
Heal the Bay	III.5	Sufficient baseline receiving water monitoring should be conducted prior to discharge.	X		See response to Heal the Bay Comment #III.2.	None necessary
Heal the Bay	III.6	The Tentative Permit states that Newhall Land has been conducting receiving water sampling. What constituents are being monitored and at what frequency is the applicant monitoring the receiving water?	X		Organics, metals, nutrients, bacteria, chlorophyll A, acute and chronic toxicity have been monitored monthly. Other pollutants had been monitored more frequently in the first year of sample collection. However, the frequency was reduced after some constituents were found Non-detected, or not varying much from month to month. Bioassessment monitoring had also been performed on a semiannual basis.	None necessary
Heal the Bay	III.7	In addition to priority pollutant monitoring, bioassessment monitoring should occur at least twice before the discharge begins.	X		This has been done already, which is why Regional Board staff was only recommending that it be done on an annual basis from now on, consistent with what is being required of other POTWs.	None necessary

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Heal the Bay	III.8	The discharger should conduct influent, effluent and receiving water monitoring for all of the priority pollutants within the first month of discharge.	X		Language has been added to the MRP, following the Tables which list the constituents and their specified frequency of monitoring.	See MRP sections.
Heal the Bay	III.9	The Regional Board should require chlorophyll-a monitoring.	X		Footnote 17 has been added to the MRP section specifying that algal biomass or chlorophyll A samples shall be collected by obtaining scrapings from the substrate, as a measure of benthic algae, rather than algae in the water column.	See MRP Footnote 17.
Heal the Bay	III.10	The Tentative Permit includes algal biomass monitoring but not chlorophyll-a monitoring. It is important to monitor algal coverage and chlorophyll-a to understand if there is truly an impact.	X		Footnote 17 also requires that percent cover be reported.	See MRP Footnote 17
Heal the Bay	III.11	The Regional Board should increase bioassessment monitoring frequency to twice per year. Heal the Bay claims that bioassessment monitoring should take place at least twice per year – ideally in the spring and fall – to capture conditions before the rainy season and after the rainy season.		X	Although Newhall had conducted baseline bioassessment monitoring semiannually, SWAMP (Surface Water Ambient Monitoring Program) recommends that bioassessment monitoring be conducted once during the suggested index period (late spring to early fall). It is unnecessary to sample twice per year to assess the health of the benthic macroinvertebrate community. For the Los Angeles Region, staff recommends sampling during the late spring or early summer, as many streams contain little or no water, particularly in the upper watershed areas, by late summer or fall. That is why only annual bioassessment monitoring is being proposed.	None necessary
Heal the Bay	III.12	Receiving water monitoring should be expanded to include at least four monitoring locations.		X	One additional monitoring station (RSW-001D) has been added, within 100 feet of the discharge point. However, the downstream receiving water stations for the Valencia WRP can provide useful information on the stream conditions upstream of the Newhall Ranch WRP. That is why another upstream station was not added, only an additional downstream station.	See MRP Section VIII.A.2
Heal the Bay	III.13	The Regional Board should require a minimum of two upstream and two downstream monitoring locations. One downstream site should be several miles downstream from the plant and below the western most edge of the Newhall Ranch housing development.		X	See response to Heal the Bay Comment III.12.	None necessary

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Heal the Bay	III.14	Also, when Phases II and III are initiated the Regional Board should increase the number of receiving water locations.		X	No additional monitoring stations are anticipated at this time. First, Regional Board staff would need to analyze data gathered from the 2 MGD discharge from the Newhall Ranch WRP, to assess if there has been an impact on the receiving water. Then, Newhall Ranch would need to do an Anti-degradation analysis prior to being allowed to discharge at a higher capacity. But ultimately, the watershed-wide monitoring effort will evaluate the location of existing receiving water stations and the data that is being collected, then come out with recommended changes to better utilize resources while still providing compliance data and assessment data. It may be premature to agree to add additional stations at this point in time.	None necessary
Heal the Bay	III.15	The Regional Board should make several clarifications to the Spill Reporting Requirements.		X	Slight changes were made to address public exposure and with respect to the safety of the personnel collecting the receiving water samples, as follows: "The Discharger shall obtain a grab sample (if feasible, accessible, and safe) for spills, overflows or bypasses of any volume that flowed to receiving water, ~~or~~ entered a shallow ground water aquifer, or have the potential for public exposure; and for all spills, overflows ~~and~~ or bypasses of 1,000 gallons or more ~~that have the potential public exposure~~."	See WDR Section VI.C.5.c
Heal the Bay	III.16	"The Discharger shall obtain a grab sample [if feasible, accessible, and safe] for spills, overflows or bypasses of any volume that flowed to receiving waters or entered a shallow ground water aquifer, and all spills, overflows and bypasses of 1,000 gallons or more that have the potential public exposure," is contradictory. Please clarify this sentence.		X	One of the major criteria in selection of a sampling site is that the access should be safe. During high channel flow, when conditions are dangerous for sampling, the Regional Board does not expect a sample to be taken. In addition, the Regional Board does not expect the discharger to exercise this option very often. If the discharger fails to collect any spill samples because of unsafe conditions (unfeasible, inaccessible, or unsafe), the discharger is responsible for providing facts for this discretion. Regional Board staff always has the authority to verify the claimed conditions. If Heal the Bay has criteria used for safety (e.g., Stream Team guidance), we would be happy to review that.	None necessary

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Heal the Bay	III.17	Heal the Bay recommends that a grab sample be collected for any volume of sewage spilled. In addition, if the Regional Board uses the later portion of that sentence, with the language states" that have the potential for public exposure," then how is this potential defined? As Heal the Bay has witnessed with other sewage spills in the Los Angeles region, the public 's health has often been placed in harms way because the discretion was with the contractor/operator who caused the spill.	X		See response to Heal the Bay Comment #III.15.	See WDR section VI.C.5.c.
Heal the Bay	III.18	Regional Board staff uses the 50th percentile of receiving water pH and temperature data to calculate the monthly average ammonia limitation and the 90th percentile of pH data to calculate the daily maximum ammonia effluent limitation. This calculation method is not fully protective.		X	Regional Board staff followed the same protocol used in the TMDLs for Metals and Selenium for San Gabriel River and Impaired Tributaries to calculate the monthly average and daily maximum limitations for ammonia. Regional Board staff has consulted with USEPA on this approach and have received support from USEPA because it is consistent with the TMDL. In addition, this approach will facilitate the compliance determination for ammonia in the Enforcement Unit by converting two moving ammonia effluent limitations (depending on temperature and pH of the receiving water) to two calculated values, as a monthly average and a daily maximum limitations, respectively.	None necessary
Heal the Bay	III.19	Mass emission limitations are based on the Phase I plant design flow rate of 2 mgd. Tentative Permit at F-23. This is not protective of receiving waters. The Regional Board should use the average effluent discharge flow, as this number represents the actual flow volume. By utilizing the design flow, the Regional Board is allowing much higher mass emissions than is merited based on plant operation.		X	40 CFR Part 122.45(b)(1) reads as follows, "In the case of POTWs, permit effluent limitations, standards, or prohibitions shall be calculated based on design flow." The mass-based limits are consistent with Federal requirements and do not need to be changed.	None necessary
Heal the Bay	III.20	The Tentative Permit's Fact Sheet states that the Nitrite-N effluent limit is 0.9 mg/L, in accordance with the Santa Clara River Nitrogen Compounds TMDL. However, Table 7 provides an effluent limitation of 1.0 mg/L. Tentative Permit at 14. The 0.9 mg/L effluent limit is appropriate, as it corresponds to the TMDL's waste load allocation. Thus, this discrepancy should be corrected.	X		The WDR was corrected to reflect what was written in the Fact Sheet.	WDR limit table was updated

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Heal the Bay	III.21	The Tentative Permit outlines the 303(d) listings for the Santa Clara River. Toxaphene appears to be missing from the list for the Santa Clara River Estuary.	X		Toxaphene had been inadvertently left out. However, the error has been corrected, by including it in the list of constituents.	303d reference was corrected
Heal the Bay	III.22	The Tentative Permit states that the treatment process will include partial reverse osmosis. Tentative Permit at 5. What percentage of the discharge will be treated using reverse osmosis?	X		The revised Flow Schematic (Attachment C) reflects RO treatment. However, the percent of the effluent that will be put through the RO process has not been determined. That will depend on the chloride content of the influent that enters the headworks, which in turn is a function of the potable water supply and the contribution from households and businesses to the sewage . The Newhall Ranch WRP will need to comply with the 100 mg/L chloride final effluent limit, regardless of the quality of the influent, and the Regional Board may not specify the manner of compliance with the limits.	None necessary
Heal the Bay	III.23	What are the end-uses planned for this advanced-treated water?	na		Newhall Ranch will be applying for Recycled Water Requirements under a separate Order. However, we understand that the majority of the treated effluent is intended to be used for irrigation. Although they may use some of the recycled water for industrial process supply.	None necessary
Heal the Bay	III.24	What is the management plan for the brine that is generated in the reverse osmosis treatment process?	na		The brine will be disposed of through deep well injection, under a separate USEPA permit. Such deep well injection is made under a federal permit, and not state Waste Discharge Requirements.	None necessary
Heal the Bay	III.25	The first column and last row of Table 2 is cut-off. Currently, it states the parameter is “Remaining EPA priority pollutants excluding.” Tentative Permit at E-7. What does this exclude?	X		The row has been corrected. Remaining EPA priority pollutants, excluding asbestos, should be monitored.	See revised MRP table
Friends of the Santa Clara River	IV.1	Since the affected reach of the Santa Clara River is already impaired for chlorides and ammonia, it is imperative that no permits be issued that will worsen the situation.	X		The Newhall Ranch WRP NPDES permit will not worsen the situation. The proposed discharge is required to adhere to the Anti-degradation Policy; and to comply with the NPDES final effluent limitations, the receiving water requirements, and the prohibitions. The permit is written with the intent to protect existing beneficial uses.	None necessary
Friends of the Santa Clara River	IV.2	Don Davis, a past member of the Board of the Friends of the Santa Clara River, feels that the fecal coliform and E. coli limits are fairly lax for a tertiary facility.		X	The effluent limitations and the surface water limitations are based upon the Basin Plan’s Water Quality Objectives. However, the groundwater limitation, in Section V.B. of the Order, for coliform of 1.1/100 mL is more stringent. All of the limitations have to be met by the Newhall Ranch WRP discharge.	None necessary
Friends of the Santa Clara River	IV.3	Sufficient baseline receiving water monitoring should be conducted prior to discharge.	X		Newhall has been gathering receiving water samples at two stations since May 2004.	None necessary

Agency	#	Comment	Agree	Disagree	Reply	Action Taken
Friends of the Santa Clara River	IV.4	The discharger should conduct influent, effluent, and receiving water monitoring for all of the priority pollutants within the first month of discharge.	X		See response to Heal the Bay Comment # III.8.	None necessary
Friends of the Santa Clara River	IV.5	The Regional Board should increase bioassessment monitoring frequency to twice per year.		X	See response to Heal the Bay Comment # III.11.	None necessary
Friends of the Santa Clara River	IV.6	The Regional Board should clarify the spill monitoring requirements.		X	See response to Heal the Bay Comments # III.15.	None necessary
Friends of the Santa Clara River	IV.7	The Regional Board should use the average effluent discharge flow.		X	See response to Heal the Bay Comment # III.19.	None necessary
Friends of the Santa Clara River	IV.8	The management plan for the brine that is generated in the reverse osmosis treatment process should be evaluated in the Permit findings.		X	See response to Heal the Bay Comment # III.24.	None necessary
Santa Clarita Organiza-tion for Planning and the Environ-ment (SCOPE)	V.1	SCOPE believes that the issuance of this permit is premature. Although we understand that the NPDES permit is not legally linked to other land use approvals, the reality is that a Sanitation District will not be built without a land use that produces effluent. While there is a specific plan for the Newhall Ranch project that this facility is proposed to serve, no tract maps have yet been approved. The first phase of this treatment facility will serve approximately 17,000 residents and provide treatment for 2 million gallons a day. There is a tract map moving through the County planning process for 1444 units (Landmark Village), but for other tracts, not even a Notice of Preparation has been released. Acquisition of adequate water supplies to serve this project is a serious impediment to its ultimate approval, Without approval of those units, this facility will not be needed.		X	We have modified the findings to make it clear that the proposed NPDES permit will only cover the capacity of 2.0 MGD, enough to treat the sewage generated by the Landmark Village project. The permit would have to be reopened to accommodate a treatment plant expansion. See permit re-opener ”l” in Section VI.C.1 of the Order; Special Study requirement “a” in Section VI.C.2 of the Order; the revised Process Flow schematic on Page C-1; and, Footnote #1 (mass emission rate calculation) following the effluent limitation table in the Order.	See Sections referenced in response

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SCOPE	V.2	The above fact contradicts and invalidates your Statement of Findings for Order R4-2007-XXX, Item E. Page 6, regarding CEQA compliance.		X	The EIR for the Water Reclamation Plant has been certified. However language will be added, to the second revised tentative, to clarify that the EIR for the Landmark Village housing project is pending certification. This permit will only regulate the discharge up to 2 MGDs, which would include sewage generated by the Landmark Village project and some industrial/commercial sites in Valencia.	See second revised tentative
SCOPE	V.3	Further, there is no Army Corps. 404 permit for this facility.	X		The comment is noted, however, the NPDES permitting process is independent of the Army Corps 404 permitting process.	None necessary
SCOPE	V.4	Since technology and cumulative impacts will change rapidly in this developing area (where app. 30,000 units are already approved upstream, but not yet built), we believe it is not protective to prematurely approve conditions and requirements that may need to be more stringent in the future.		X	This NPDES permit only regulates discharges to surface waters from the Newhall Ranch WRP. It will not regulate runoff from the housing projects.	None necessary
SCOPE	V.5	As the RWQCB is very aware, many reaches of the Santa Clara River are on the 303d list for exceedences of chlorides and ammonia. Generally, these exceedences are a result of effluent from the two upstream Sanitation District plants' outfalls. Any additional contaminants from a new plant would therefore have an increased cumulative impact to basins that are already impaired by these exceedences.		X	The effluent requirements contained in the Newhall Ranch WRP are more stringent than some of the limitations contained in the Saugus and Valencia WRP NPDES permits. Since Newhall WRP will recycle most of their treated effluent, they are not expected to worsen the conditions in the Santa Clara River. See response to Friends of the Santa Clara River Comment # IV.1.	None necessary
SCOPE	V.6	Therefore it is imperative that this permit contain strong conditions and regulatory enforcement mechanisms such as daily fines that will guard against any further exceedences as described at Page 22 items r and s.		X	The enforcement unit of the Regional Water Board evaluates each permit exceedance on an individual basis and considers the appropriate enforcement action. Enforcement action may start with a Notice of Violation Letter, and could lead to either a Mandatory Minimum Penalty or a discretionary Administrative Civil Liability. Sections r and s of the Order already references CWC sections and mentions the monetary range of penalties per violation.	None necessary

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SCOPE	V.7	This is especially important because much of the project may rely on imported water that is high in salts than the local ground water. Additionally, testing from local ground water wells that are supposedly going to be used for the first phases of the project (see condition # *** of the Specific Plan approval), is higher in salts and TDS than ground water found elsewhere in the Santa Clarita Valley (charts are available in the Newhall Ranch and Sanitation Plant EIR and will be submitted upon request).		X	Newhall's November 2006 Landmark Village EIR identifies local alluvial groundwater wells located near lower Castaic Creek as the primary source of water for the new development. Taken from section 4.10 Water Service: "Results from laboratory testing conducted for Valencia Water Company wells expected to serve the Landmark Village project site are provided in Appendix 4.10 of this EIR. The wells expected to be used are approved by the State Department of Health Services (DHS) and are located just northeast of the Newhall Ranch Specific Plan site in the Valencia Commerce Center." Valencia Water Company well sampling data reported in this EIR Appendix range from 74-89 mg/L for chloride. Groundwater chloride concentrations are, in general, lower than blended water supply concentrations (state water project and local groundwater), which are supplied to the rest of the Santa Clarita Valley Joint Sewerage System (SCVJSS). Therefore, influent chloride concentrations to the Newhall Ranch WRP will be lower than influent to the SCVJSS.	None necessary
SCOPE	V.8	In light of these existing exceedences it is imperative that the chloride limit of 100 mg/L TMDL as listed on the fact sheet summary, not be exceeded or increased at a future date. This is a new plant that supports effluent that does not yet exist. If it cannot comply now AND in the future with the 100 mg/L baseline, it should NOT be permitted. We believe that this limit is required by law under the Anti-Degradation Policy of the Clean Water Act and Porter-Cologne Act.	X		That is what is being proposed in the tentative NPDES permit. The Discharger is proposing to use reverse osmosis to treat the wastewater to a level that will allow them to discharge at the 100 mg/L limit. The Regional Board sets limitations to protect beneficial uses. It is specifically prohibited from specifying the manner of compliance with these limitations (CWC Section 13360).	None necessary
SCOPE	V.9	A reverse osmosis plant will require brine disposal and substantial use of energy that may not be available. These issues are not addressed in the permit application, nor were they addressed in the EIR. There is no brine line on the Santa Clara River, neither is there funding nor any environ-mental documentation in place to support building such a facility including traffic impacts from additional truck traffic that might be needed to transport high brine effluent to a disposal location. Please state conditions that address the proper disposal of brine and require a disposal plan.		X	See response to Heal the Bay Comment # III.24.	None necessary

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SCOPE	V.10	This permit application includes a temperature limit of 86F (p. 12, Discharge Prohibitions, Item D.) We believe that this limit is not protective of the aqueous and amphibian species, including the Unarmored Three-spine stickleback fish, a listed endangered species and California Species of Special Concern that exist in the Santa Clara River in these reaches. We request that the Regional Board or the applicant provide studies showing that this temperature will support fish and allow breeding of all aqueous and amphibian species dependent on this stream flow. Again, the upstream sanitation plant discharges have been observed exceeding this level where water entering the river produces steam in the winter. We believe that the above temperature perimeter conflicts with required surface water temperature limitations as listed on Page 18.		X	We have no information which would lead us to believe that the effluent limitations are not protective of aquatic life. The discharge must be able to meet all of its requirements under the permit otherwise they will be in violation and may be subject to an administrative civil liability. Most of those limitations are based upon constituent toxicity to aquatic life or human health, if more stringent. The temperature of 86° is based upon a white-paper developed by Regional Board staff, based upon a literature search. In addition, the Department of Fish and Game recommended that 86° would be protective in previous permits. In addition, Section V.A.1. of the Order, Receiving Water Limitation for Surface Water, prohibits the temperature of the receiving water from being altered by more than 5°F above the natural temperature.	None necessary
SCOPE	V.11	We do not see a description for volume of existing stream flow. How much of that flow is contributed by existing upstream Sanitation Plant effluent? How will existing flow affect the calculations of the downstream water quality?	X		Although there is no description of the existing stream flow in the permit, stream flow data is available for the USGS website for gauge station 11109000 at the Newhall Bridge location, or by going on the following website: www.santaclarariver.org The 1996 Annual Monitoring Report for the Valencia WRP (the POTW which is located upstream of the proposed Newhall WRP) included information with respect to the Average, Maximum and Minimum flow discharged to the Santa Clara River. In 1996, Valencia discharged an average of 15.61 MGD to the Santa Clara River and recycled an average of 0.38 MGD. The contribution from the Newhall Ranch WRP will be minimal in comparison to the Valencia WRP, because Newhall will recycle a large percentage of its treated effluent.	None necessary
SCOPE	V.12	Are monitoring locations situated to ensure accurate garb sampling of effluent generated solely by the new filtration plant?	X		Yes, the effluent samples will be able to generate data solely from the Newhall Ranch WRP. However, in the receiving water that is not possible, because there are upstream POTWs, urban runoff, other tributaries discharging to the main branch of the Santa Clara River, as well as rising groundwater.	None necessary

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SCOPE	V.13	Microfiltration should enable lower water quality contaminant limits. Why aren't the lower limits required? In reviewing permit requirements from other states such as Illinois it appears that higher standards are both required and achieved. If BMPs are available to achieve such standards, why isn't the Los Angeles Regional requiring them?		na	Section 13360 of the California Water Code precludes the Regional Water Board from specifying the manner of compliance. In addition, Section I.D. on Page D-1 of the Order specifies the following: "The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 C.F.R. § 122.41(e).)" Also see response to Sierra Club Comment #VI.30.	None necessary
SCOPE	V.14	This permit seems to just put off the issue of reuse of the water, saying it will be addressed in another order. We object to the deferring of this issue, because once the permit allows discharge of 100%, the Newhall Sanitation District could abandon their plans to reuse the water with no consequence.		X	The water recycling issue is not being put off. The Discharger is in the process of preparing the Engineering Report which will be submitted to the Department of Health Services for approval of their water recycling program. Once DHS approves the water recycling proposal, the Discharger will submit a Report of Waste Discharge for the Water Recycling Requirements (WRR) to the Regional Water Board. At that time, the Regional Board would review the application for completeness and prepare draft WRR for adoption at a future Board meeting. We do not believe that Newhall Sanitation District would abandon their plans to reuse the water, because if they did, then they would be using up their potable water supply faster, and eventually having to pay for imported supply.	None necessary
SCOPE	V.15	Use of Recycled water – Spreading conditions (at total load of salt?) Attachment E. Page E-18 states that land discharge limits are not applicable. Since the permit states that some effluent is planned for irrigation, some limits should be imposed. We do not find a description of any proposed irrigation/spreading plan described in the permit. Should this be a special related permit?		X	This and other issues related to water recycling will be addressed through a separate Board Order (Water Recycling Requirements). If it is determined that the reuse of water would have an impact on groundwater, then the Water Recycling Requirement would have limitations to protect the groundwater basins.	
SCOPE	V.16	We concur with and join in the comments submitted to this Board by the Sierra Club, Heal the Bay and the Friends of the Santa Clara River.		na	Comment noted. See responses to individual comments.	None necessary.

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Sierra Club, Angeles Chapter	VI.1	Sierra Club believes that riparian encroachment into flood plain and channels results in loss of flood capacity and eventually leads to removal of riparian habitat and wildlife. They therefore, request that Newhall WRP have a "Zero Channel Discharge" and that they maximize use of riparian/wetlands areas.		X	There is no nearby wetland to which the Newhall WRP can discharge. We are not proposing a discharge flow prohibition, because we are unaware of a berm-breaching-situation in the upper reaches of the Santa Clara River, unlike the situation in the Malibu Lagoon. However, Newhall Ranch Sanitation District is voluntarily committing to maximizing the amount of recycled water usage during dry weather periods. Newhall Ranch SD proposes to discharge to surface waters only during wet weather, in which the demand for recycled water is low.	None necessary
Sierra Club, Angeles Chapter	VI.2	Sierra Club requests that during the first five years of operations, Newhall Ranch WRP be directed to discharge to recharge (not noncompliant holding) basins, above the banks of the existing braided channel system.		X	Section 13360 of the California Water Code precludes the Regional Water Board from specifying the manner of compliance.	None necessary
Sierra Club, Angeles Chapter	VI.3	Sierra Club believes that Total Maximum Load (Daily, Monthly, Quarterly, Annual) and Chloride Limits are inadequate to maintain and protect chloride limitations for agriculture, riparian vegetation and wildlife, and eventually potable uses.		X	This NPDES permit is not modifying or creating Total Maximum Daily Loads (TMDLs), but rather is implementing existing Basin Plan Water Quality Objectives and USEPA-approved TMDLs. Final effluent limitations are consistent with the existing TMDLs for the Upper Santa Clara River Watershed. The 100 mg/L limitation for chloride is intended to be protective of the most sensitive beneficial use, which has been identified to be Agricultural Supply (AGR). The chloride limitation is also intended to be protective of aquatic life, because it is two times lower than the 230 mg/L chloride objective for aquatic life protection.	None necessary
Sierra Club, Angeles Chapter	VI.4	The permit and analyses provided do not provide sufficient and adequate basis for developing the TMDL for the Project discharges, summertime irrigation, and long-term degradation of the groundwater and eventually the surface waters downstream of the Project, the reach, or even the basin.		X	This NPDES permit is not developing a TMDL. This permit implements the existing TMDL and followed the recommendations in a Technical Memo prepared by TMDL staff. Since the TMDL is concentration-based new sources are allowed as long as they can meet the concentration-based waste load allocation. The TMDL does not restrict mass.	None necessary
Sierra Club, Angeles Chapter	VI.5	Chlorides do not metabolize, degrade, or evaporate and thereby all salts imported to the basin add to the total salts within the basin and can only be exported by physical transport by human activities or discharge through surface and groundwater regime to the sea.		X	See response to SCOPE Comment #V.7.	None necessary

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Sierra Club, Angeles Chapter	VI.6	The Sierra Club provided what they call a "Simplified Numerical Model". They believe that salt will accumulate in the soil until it leaches down through surface/vadose zones.		X	The chloride limit (100 mg/L) specified in the tentative order fully protects surface waters (Basin Plan Objective 100 mg/L) and the underlying groundwater quality (Basin Plan Objective 150mg/L). The limit is consistent with the provisions of the Regional Board's chloride TMDL, which was adopted in 2002 after a public hearing on the matter. Loading of chloride in soils, and ultimately groundwater, can be an issue when re-using the wastewater for recycled water irrigation. If the groundwater chloride quality is far better than the objective-that is, we have a second tier waterbody that must be protected, then a determination of the assimiliative capacity of the groundwater, mass balance analysis, and ultimately if needed, and Antidegradation Analysis, must be performed. These issues will be addressed when the Water Recycling Requirements for Newhall Ranch Water Reclamation Plant are considered by the Regional Board at a future Board hearing. The Regional Board is leading a stakeholder workgroup to address the most practical way to regulate and monitor recycled water for irrigation in regards to salts, while ensuring that recycled water use will be promoted. This process will be complete by June 2008. No Water Recycling Requirements for irrigation projects will be issued until that stakeholder process has been completed. In addition, the State Water Resources Control Board is in the process of developing a revised Recycled Water Policy and Guidance document to be used by the Regional Boards, statewide. No Water Recycling Requirements for irrigation projects will be issued until that process has been completed.	None necessary
Sierra Club, Angeles Chapter	VI.7	The noticeable bedrock ridges on the north and south of the SC River channel and floodplain would suggest that groundwater upstream of the point of discharge may be confined in such a manner as to promote upwelling discharges from the groundwater table into the channel through this gap and then a recharging of the groundwater table in the downstream floodplain area.		X	There are ongoing studies, as a result of the chloride TMDL, which will investigate the surface and groundwater interaction. Rather than speculating on what may or may not be happening, we will await the results of the surface water/groundwater interaction studies.	None necessary

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Sierra Club, Angeles Chapter	VI.8	The Sierra Club requests that the Regional Water Board review/revise the current TMDL for chlorides within the Santa Clara Basin.		X	The TMDL process is separate from the NPDES permit adoption process. Permit writers cannot modify a TMDL, but must fully implement the provisions of a TMDL.	None necessary
Sierra Club, Angeles Chapter	VI.9	The Sierra Club requests that the Regional Water Board review/revise a new integrated plan for "disposal" of salts and apply it to the Newhall project.		X	Section 13360 of the California Water Code precludes the Regional Water Board from specifying the manner of compliance.	None necessary
Sierra Club, Angeles Chapter	VI.10	The Sierra Club requests that the discharge limits to soil for landscaping (groundwater) and to open channel (surface water) shall be identical.		X	The NPDES permit and the Water Recycling requirements cannot be identical. Water recycling projects are subject to separate waste discharge requirements and are also subject to different regulations. The CTR criteria, which in most cases is more stringent than Title 22 MCLs, is not applicable to water recycling projects. This NPDES Order contains limitations that are more stringent than the discharge requirements that would be contained in Water Recycling Requirements.	None necessary
Sierra Club, Angeles Chapter	VI.11	The Sierra Club requests that receiving surface water monitoring shall be based on the unaffected flow (upstream and upgroundwater flow) at one site upstream/upflow approximately 10x the width of the SC River at/above the point of discharge and the affected flows two downstream/ down-flow sites approximately 10x the width of the SC River at/below the point of discharge.		X	This is typically done if the discharge was given dilution credits and a mixing zone. However, the Discharger has not conducted any mixing zone study, and no dilution credits are recommended in the NPDES permit.	None necessary
Sierra Club, Angeles Chapter	VI.12	The Sierra Club requests that receiving ground-water water monitoring shall be based on the unaffected flow (upstream and upgroundwater flow) at one site upstream/upflow approximately 10x the width of the SC River at/above the point of discharge and the affected flows two down-stream/downflow sites approximately 10x the width of the SC River at/below the pt. of discharge		X	Newhall Ranch will be submitting a workplan, for approval by the Executive Officer, specifying the suggested locations of monitoring wells. Regional Board staff geologists will review the workplan and comment on its content. If the workplan is deficient or inadequate, Regional Board staff will recommend that the workplan be revised to address issues raised.	None necessary
Sierra Club, Angeles Chapter	VI.13	The Sierra Club requests that a prohibition be placed on total residential, commercial, and industrial use of sodium/chloride deionization or ion-exchange or reverse osmosis systems anywhere in the collection system, without a permit of the SD.		X	Section 13360 of the California Water Code precludes the Regional Water Board from specifying the manner of compliance. However, the Newhall Ranch Specific Plan was conditioned to place a ban on Self-Regenerating Water Softeners (SRWSs). The Newhall Ranch Sanitation District has been formed and will be responsible for imposing this ban on SRWSs, through its sewer use ordinance.	None necessary

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Sierra Club, Angeles Chapter	VI.14	The Sierra Club requests that the Regional Board fine facilities, which discharge sodium/chloride deionization or ion-exchange waste within the SD, over $1000 per day.		X	The Newhall Ranch Sanitation District would be in charge of enforcing its own Sewer Ordinance.	None necessary
Sierra Club, Angeles Chapter	VI.15	The Sierra Club requests that the Regional Board require further geo-hydrological investigations to establish the groundwater/ surface water relationship for a distance of at least 10,000 ft.		X	See response to Sierra Club Comment #VI.7.	None necessary
Sierra Club, Angeles Chapter	VI.16	The draft permit does not clearly or definitive describe treatment levels and process consistent with the technology and usual levels and thereby suggests that treatment process may be seasonably changed.		X	The treatment system should always be operating efficiently and should not be changed on a seasonal basis. The only thing that would change would be the quantity of water that is discharged to the Santa Clara River versus the amount of water being recycled for irrigation purposes. In addition, Section 13360 of the California Water Code precludes the Regional Water Board from specifying the manner of compliance.	None necessary
Sierra Club, Angeles Chapter	VI.17	The Sierra Club requests that the Regional Board require Newhall Ranch WRP to use membrane and reverse osmosis 100% of the time for both land and channel applications/discharges.		X	Section 13360 of the California Water Code precludes the Regional Water Board from specifying the manner of compliance.	None necessary
Sierra Club, Angeles Chapter	VI.18	The Sierra Club requests that the Regional Board require Newhall Ranch WRP to comply with the rated capability of membrane bioreactors and reverse osmosis, <10/10mg/L maximum observed for BOD and TSS, median levels of 5/5 mg/L;		X	Section 13360 of the California Water Code precludes the Regional Water Board from specifying the manner of compliance. In addition, Section I.D. on Page D-1 of the Order specifies the following: "The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 C.F.R. § 122.41(e).)"	None necessary
Sierra Club, Angeles Chapter	VI.19	The Sierra Club requests that the Regional Board require Newhall Ranch WRP to base Monthly averages on tests or monitoring of >10 samples or instances; and, not base weekly averages on <7 individual day samples or tests.		X	Section VII. Compliance Determination, discusses sample size with respect to demonstrating compliance with the average monthly and average weekly limitations.	

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Sierra Club, Angeles Chapter	VI.20	The Sierra Club requests that the Regional Board require Newhall Ranch WRP to monitor all discharges: including discharges to both ground and surface waters; and at fixed irrigation locations or hydrants.		X	This and other issues related to water recycling will be addressed through a separate Board Order (Water Recycling Requirements). However, the tentative NPDES Order already contains influent, effluent, receiving surface water, and groundwater monitoring requirements.	None necessary
Sierra Club, Angeles Chapter	VI.21.	Operations shall monitor turbidity levels on an hourly basis and shall provide treated effluents not exceeding 2.0 NTU average, not exceeding 5.0 NTU < 5% of operating time during any 24-hour period, and never exceed 10 NTU (0.001% of the time).		X	Section 13360 of the California Water Code precludes the Regional Water Board from specifying the manner of compliance. However, the turbidity limits contained in the tentative NPDES Order are much more stringent than 2 and 5 NTUs, by a factor of 10.	None necessary
Sierra Club, Angeles Chapter	VI.22	Bypassing shall be allowed for the first five years of operations (including commissioning, running-in, and build-out of the Phase 1), and the Phase 1 facilities shall be provided with a detention ponds for one-day discharges during the first five years to receive any non-compliant bypassing or discharge and to allow return of bypassed liquids to process streams for compliant treatment.		X	Bypassing of treatment units is not allowed. However, the facility is planning on having a concrete-lined detention basin which can serve as a flow equalization basin or a temporary detention basin to facilitate maintenance and servicing of equipment.	None necessary
Sierra Club, Angeles Chapter	VI.23	The Sierra Club believes that the draft permit does not clearly or definitively describe early operations controls when typically non-compliant process-upsets and discharges may occur. As a new facility and allowing for greater expansions (tripling), the first three years are critical to establishing controls and operational averages and startup-operators training.		X	See response to Sierra Club Comment # VI.18. In addition, Section13385 (D) of the California Water Code provides up to 90 days for start-up operations of a biological system, provided the Discharger submits an operations plan and notifies the Executive Officer 30 days prior to the start-up date. Three years is too long of a start-up period.	None necessary
Sierra Club, Angeles Chapter	VI.24	The Sierra Club believes that a Start-Up Report shall be presented within 30 days of issuance of the Order and shall be updated on a monthly basis for the first year and quarterly thereafter for the first five years of operations;		X	The NPDES Order does not become effective until 50 days after the date of Board adoption. However, the Monitoring and Reporting Section of the NPDES Order will require the Discharger to submit monthly monitoring reports. If no discharge is taking place, the report will state that no discharge took place. The Discharger has agreed to provide updates on the status of the Newhall Ranch WRP construction as part of the routing monitoring reports.	None necessary

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Sierra Club, Angeles Chapter	VI.25	The Sierra Club requests that the Regional Water Board require Year 1, Year 1-2, and Year 1-3 screening, MBR, and UV disinfection parameters for new discharges.		X	Regional Board staff interpret "screening" to be equivalent to monitoring and have addressed the comment accordingly. The MRP requires influent, effluent, receiving water, and groundwater monitoring, which will track concentrations of pollutants, through water column testing, bioassessment testing, and toxicity testing. In addition, the Discharger will be required to participate in watershed-wide monitoring to better characterize the watershed.	None necessary
Sierra Club, Angeles Chapter	VI.26	The Sierra Club requests that the Regional Water Board require triple the sampling/testing per unit time and incorporate online, real-time operations monitoring parameter indicative of the primary parameters (e.g., COD, TOC, ReDox, Turbidity, etc.).		X	The Monitoring and Reporting program does not require monitoring of internal plant waste streams. See response to Sierra Club Comment #VI.25.	None necessary
Sierra Club, Angeles Chapter	VI.27	The Sierra Club requests that the Regional Water Board require concrete-lined ponds for receiving/returning of non-compliant flows from/to processes.		X	It is not necessary to insert this requirement, because the design calls for a concrete-lined holding facility.	None necessary.
Sierra Club, Angeles Chapter	VI.28	The Sierra Club pointed out some errors in the Table of Contents and made suggestions for corrections.	X		The Table of Contents was modified.	See new Table of Contents
Sierra Club, Angeles Chapter	VI.29	The Sierra Club would like the mass-based Footnote to be modified to specify what is meant by "wet-weather storm events," because they believe that conditions may prove to be unenforceable.		X	This Footnote contains standard language that explains how concentration-based limits are converted to mass-based limits. During high storm events, when the flow exceeds the design capacity, mass-based limits will not apply. However, the concentration-based limits will have to be met at all times, regardless of the weather. Therefore, an enforceable limit will be in place at all times. Clarifying language is not necessary, because the Footnote specifies that the condition applies only if a storm event leads to increased flows. The Footnote is not going to be applied during all storm events.	None necessary

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Sierra Club, Angeles Chapter	VI.30	The Sierra Club requests that the WRB review/revise current drafts and change from **85%** removal to **95%** removal and add "on a daily basis (third standard deviation above median) ".		X	The Code of Federal Regulations (40 CFR) which regulated NPDES discharges, prescribes minimum treatment levels for POTWs. Minimum treatment is secondary treatment without advanced filtration. Advanced treatment is what we normally describe as "tertiary" treatment. There are no federal regulations requiring tertiary treatment. However, in order to recycle wastewater in California the wastewater must be "disinfected tertiary recycled water", according to State regulations contained in Title 22, California Code of Regulations. The proposed order contains effluent limitations more stringent than federal requirements: Constituent — Federal Standards — Proposed Limitations BOD-Average Monthly — 30 — 20 BOD-average Weekly — 45 — 30 TSS-Average Monthly — 30 — 15 TSS-Average Weekly — 45 — 40 pH — 6-9 — 6.5-8.5 BOD/TSS % Removal — 85% — 85% While there are manufacturer's suggestions on the removal efficiency of a membrane bioreactor system, each system, depending upon the influent quality, volume, presence/absence of industrial and commercial wastes, operations, geographic and climatic conditions, etc. will have their own operational efficiencies. It is expected that the Newhall Ranch Water Reclamation Plant will be in operation by August 2009. The proposed Order expires in July 2012, giving roughly three years to gather data on the efficiency of the plant. During the next permit renewal, Regional Board staff will determine if the plant's operational efficiency warrants a ratcheting down of the limitations or the imposition of performance goals.	None necessary
Sierra Club, Angeles Chapter	VI.31	The Sierra Club believes that Receiving Water limits and monitoring frequencies (weekly grabs) are not integrated and do not reflect probable diurnal changes of temperature, algae, turbidity, and DO.		X	The Monitoring and Reporting requirements are standard and typical of what is required of a POTW. However, in relation to the ammonia nitrogen limitation, the Discharger will be required to submit a workplan and conduct a study to evaluate the fluctuations in receiving water temperature and pH within 100 feet of the discharge.	See MRP Section VIII.A.2.b

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Sierra Club, Angeles Chapter	VI.32	The Sierra Club requests that the Regional Water Board review/revise current draft to provide a single table of all numeric parameters and limits along with their sampling locations (directly referencing Attachments B and C) and frequencies.		X	The information requested is already presented in separate sections of the Order, within the WDR and the MRP, in a standard format.	None necessary
Sierra Club, Angeles Chapter	VI.33	The Sierra Club requests that the Regional Water Board have a statistician who is experienced in biostatistical ecology increase the monitoring frequencies of the pollutants, so that: - multiple grab samples are collected, rather than one sample per day; and, - more statistical data points are generated with which to calculate averages.		X	This is standard language. Section VII. Compliance Determination, explains how compliance will be determined for average monthly, average weekly, and daily maximum effluent limitations. For example, if only one sample is collected during the month, then that sample must meet both the daily maximum and the monthly average effluent limitations. Statistical analysis will be conducted over time, as month after month of data is gathered, and prior to the next permit renewal.	None necessary.
Sierra Club, Angeles Chapter	VI.34	The Sierra Club believes that compliance shall be appropriate to the degree of enforcement and penalties to violators (as has been demonstrated by the Clean Air Act Amendments).		X	The NPDES Order cannot implement the Clean Air Act Amendments. It can only implement the Clean Water Act, the California Water Code, the Basin Plan, and other related rules and regulations, as they pertain to water.	None necessary
Sierra Club, Angeles Chapter	VI.35	The Sierra Club asks that the Regional Water Board provide a table specifying the parameter, cost of violation, cost of non-reporting, and cost of falsified reports.		X	The Standard Provisions section of the Order (Sections VI.A.2.r and VI.A.2.s) describes the range of penalties as follows: r. The CWC provides that any person who violates a waste discharge requirement or a provision of the CWC is subject to civil penalties of up to $5,000 per day, $10,000 per day, or $25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to $10 per gallon per day or $25 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations. Violation of any of the provisions of the NPDES program or of any of the provisions of this Order may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation. s. Under CWC 13387, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this order, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with, or renders	None necessary

Agency	#	Comment	Agree	Disagree	Reply	Action Taken
					inaccurate any monitoring device or method required to be maintained in this order and is subject to a fine of not more than $25,000 or imprisonment of not more than two years, or both. For a second conviction, such a person shall be punished by a fine of not more than $25,000 per day of violation, or by imprisonment of not more than four years, or by both.	